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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,252	04/03/2001	Thomas O.P. Fletcher	108320-00004	1308

32294 7590 02/24/2005

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,252

Applicant(s)

FLETCHER ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment file on September 9, 2004, in which claims 1-24 and 26-27 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to restriction requirements of claims 1-27 have been considered. The restriction filed on August 4, 2004 has been withdrawn.

Claim Objections

3. Claims 7-10 and 13 are objected to because of the following informalities:

Claim 7, line 1 recites "the method of claim 4, wherein said dynamic characteristics". However, claim 7 cannot be depended on claim 4 because claim 4 is not directed to dynamic characteristics. Claim 7 should depend on claim 6.

Claim 9 recites "the method of claim 7, wherein said dynamic characteristics include: the location of the package repositories; the package to include; the root of the custom filesystem; and the spill directory root". However, these characteristics are static characteristics not dynamic. Claim 9 should be depend on claim 4.

Change dependency of claim 13 to be depended on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 9 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 9 recites the limitation "the location; the root and the spill" in 3-6; claim 24 recites "the package" line 16, "said end system" line 17; "to the state" line 18; "said request" line 20, 22, 23, 24; "said target file" line 25; "said spillroot direction" line 26; and "the method of claim 4, wherein said step of responding" lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24, line 28 recites "a stat request ". It is not clear as what the Applicants meant by "stat request".

Claim 9, line 4 recites "the package to include". This limitation is vague and it is not properly constructed.

Claim 10 recites "a root directory to take over". It is unclear as what the applicants meant by a root directory to take over.

Regarding claims 1, 3, 14, 15, 16, 17, 25, 26 and 27, the phrase "will attempts to" claim 12, the phrase "may be" and claim 2 the phrase "should be viewed" render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 14 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 14 recites, “determining which files a computer system will see” in lines 4, 5 and 7. Applicant should duly note that a computer system can read or write a file; and line 4 recites, “identifying filenames representing said files said computer system will see”. It is no clear how one having ordinary skill in the art would determine which file a computer system will see. These limitations are not described in the specification to enable one having ordinary skill in the art to make and use the invention.

Claim 24 recites “responding to a targeted file on the package filesystem being invalid by sending an error message to said end system; responding to the state of said targeted file not being known by updating the state of said targeted file; responding to said file having been spilled by redirecting said request a spilled location; responding to said request being a read request by: making said target file in said main root directory; creating said spillroot direction; copying said target file to said spill root location; and responding to said request being a stat request by accessing meta data from package file location as required”. It is extremely difficult to determine what the Applicants try to accomplish. Such language is not described in the

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specification to enable one having ordinary skill in the art to which it pertains to make and use the invention. Because of the lack of understanding the claimed languages, a prior art rejection can be made at this time until clarification of the claimed languages are made with respect to the rejection set forth above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7, 13, 16, 26 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty et al., (hereinafter "McBrearty") US Patent Publication No. 2002/0065840 and Gainer et al., (hereinafter "Gainer") US Patent No. 6,321,219.

As to claim 1, McBrearty discloses the claimed "a custom hierarchical structure of files and folders, providing access to software application selected from available software applications based on a set of attributes for said computer system" (col.2, paragraph [0024]; fig. 4); and "said custom filesystem being positioning to have priority over said main filesystem, in that a process manager will attempts to address requests on said custom filesystem prior to placing said requests on said main filesystem" (col.4, paragraph [0042] because of the fact that the custom filesystem contain information about the common filesystem (main filesystem) that are available so the custom filesystem has the priority over the common filesystem). However, McBrearty

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does not explicitly disclose the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem.

Gainer, on the other hand, discloses an analogous system that provided the use of a symbolic links for organizing file structures in a computer system. In particular, Gainer, discloses the claimed “a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem” (col.2, lines 20-58; col.3, lines 6-15; col.5, lines 24-35; col.6, lines 6-21; col.7, line 65-col.8, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference, wherein the custom filesystem provided therein (see McBrearty’s fig.4) would incorporate the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem. Such a combination would provide McBrearty’s system the enhanced capability of allowing changes to files or directories between accesses to automatically reflect whenever new access occurs, without any user action in changing or recreating the links.

As to claim 2, Gainer discloses the claimed “wherein said custom hierarchical structure is generated by determining which of said files in said main filesystem should be viewed” (col.3, lines 5-15).

As to claim 3, McBrearty discloses the claimed “generating and storing a file of attributes for said computer system” (col.2, paragraph [0024]; [0034]; fig. 4); “selecting required software application from available software applications in accordance with said attributes” (col.3,

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paragraph [0038]“ and “said custom filesystem being positioning to have priority over said main filesystem, in that a process manager will attempts to address requests on said custom filesystem prior to placing said requests on said main filesystem” (col.4, paragraph [0042] because of the fact that the custom filesystem contain information about the common filesystem (main filesystem) that are available so the custom filesystem has the priority over the common filesystem). However, McBrearty does not explicitly disclose the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem.

Gainer, on the other hand, discloses an analogous system that provided the use of a symbolic links for organizing file structures in a computer system. In particular, Gainer, discloses the claimed “a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem” (col.2, lines 20-58; col.3, lines 6-15; col.5, lines 24-35; col.6, lines 6-21; col.7, line 65-col.8, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference, wherein the custom filesystem provided therein (see McBrearty’s fig.4) would incorporate the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem. Such a combination would provide McBrearty’s system the enhanced capability of allowing changes to files or directories between accesses to automatically reflect whenever new access occurs, without any user action in changing or recreating the links.

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As to claim 4, Gainer discloses the claimed “wherein the attributes for said computer system include static characteristics” (col.2, lines 20-60).

As to claim 5, Gainer discloses the claimed “wherein said static characteristics include a microprocessor model and an operating system platform” (col.2, lines 20-60).

As to claim 6, Gainer discloses the claimed “wherein said attribute for said computer system include dynamic characteristics” (col.2, lines 20-60).

As to claims 7 and 13, Gainer discloses the claimed “wherein said dynamic characteristic include preferences regarding accessible software applications and versions of said software application” (col.2, lines 20-60; col.3, lines 5-20; col.8, lines 35-48).

As to claim 16, and 26, McBrearty discloses the claimed “generating and storing a file of attributes for said computer system in a system configuration file” (col.2, paragraph [0024]; [0034]; fig. 4); “selecting required software application from available software applications in accordance with said attributes” (col.3, paragraph [0038]) and “said custom filesystem being positioning to have priority over said main filesystem, in that a process manager will attempts to address requests on said custom filesystem prior to placing said requests on said main filesystem” (col.4, paragraph [0042] because of the fact that the custom filesystem contain information about the common filesystem (main filesystem) that are available so the custom filesystem has the priority over the common filesystem). However, McBrearty does not explicitly

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disclose the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem.

Gainer, on the other hand, discloses an analogous system that provided the use of a symbolic links for organizing file structures in a computer system. In particular, Gainer, discloses the claimed “a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem” (col.2, lines 20-58; col.3, lines 6-15; col.5, lines 24-35; col.6, lines 6-21; col.7, line 65-col.8, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited reference, wherein the custom filesystem provided therein (see McBrearty’s fig.4) would incorporate the use of a set of links between said custom hierarchical structure of files and folders, and the location of corresponding real files in said main filesystem. Such a combination would provide McBrearty’s system the enhanced capability of allowing changes to files or directories between accesses to automatically reflect whenever new access occurs, without any user action in changing or recreating the links.

Allowable Subject Matter

11. Claims 8-12, 15, 17-21 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean M Corrielus
Primary Examiner
Art Unit 2162

February 22, 2005